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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,765	10/16/2001	Alan J. Janicek	03DV09036	9909

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11/22/2002

EXAMINER

EASTHOM, KARL D

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 11/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/682,765

Applicant(s)

Janicek et al.

Examiner

Karl Easthom

Art Unit

2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 28, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) 11-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

1. Applicant's election without traverse of claims 1-10 in Paper No. 5 is acknowledged.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear how an "angle" protrudes outwardly, since an angle is not normally considered as structure, but rather it is normally considered as a measure of structure. It is not clear what the "/" implies in "resistor/overload" device, such as whether both resistor and overload, either resistor or overload, or some type of hybrid device is required. In claims 5-6, "the sockets" inferentially claim more than one without antecedent basis. In claim 7, it is not clear if "at least one plate" is a different plate than "a plate" in claim 1.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Reddy et al.

Reddy discloses the claimed invention at Fig. 1 and Fig. 14. Fig. 14 of Reddy discloses a wire in schematic format, and the female plug 58 for connecting thereto in order to connect the PTC element 10 to a load circuit, see col. 8, lines 50-55, claim 1, and Fig. 14. The angle is 54. In claim 10, there is a cutting at col. 6, lines 45-55 to make the plates 6c, so that the metal plate has

a cut meeting the claim. That is, the absence of the terminal is not deemed a requirement to meet the claim, since the missing terminal is not claimed.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art Figs. 1-2 in view of Reddy; Corona, Fukada, or Samejima et al. The claimed invention is disclosed as admitted except the female plug. The secondary references each disclose such a plug as a typical manner in joining a male housing together with a female connector (see eg. the abstract of Inaba. Such a connection would have been obvious where the admitted prior art discloses a housing with male terminals and female terminals are employed. Numerous motivations are given at the abstracts for the female plug - to connect the PTC device to a load (Reddy et al.), for secure joining (Inaba), for environmentally sealing (Corona), or for flexible latching (Colleran et al.). The angle protruding is the top edge of socket 110 that is parallel to the top of the housing in the admitted prior art, or as noted with respect to Reddy et al. The flexible arm is 21 in Fukada, or the portion of the using 32 designated by C in Fig. 4 of Colleran, or 25 in Inaba et al., meeting claims 3-4.

8. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fabricius in view of Corona, Fukada, or Samejima et al. The claimed invention is disclosed is disclosed at

Fig. 1 except the female plug. The angle protruding is the edge of 48 that is parallel to the top of the housing 40. In claims 5-6 there are two sockets for the male terminals 41 and 42, neither of which is exactly the same size due to machine tolerances, or it would have been obvious to render different sizes in order to relax standards to make the device. For claims 3-4, see the remarks above. The plate is the other bent end of 22, 21.

9. Claims 1 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segler in view of Corona, Fukada, or Samejima et al. The claimed invention is disclosed, except the female plug, at Fig. 2 with a positive temperature coefficient of resistance resistor 192a (col. 9, lines 35-45, and plates 240, 240a, secured by soldering (col. 7, lines 14-21) to male terminals 135, 135a. For claims 8-9, welding, soldering and other attachment means are disclosed at col. 1 as a way of attaching terminals to plate type leads such as that of 240a, so that it would have been obvious to employ an adhesive where a soldering is actually a type of adhesive bonding or adhesive bonding types are well known in the electrical arts for securing terminals. In claim 10, the plate 190 is cut at the ends in order to make it so that there is no distinction seen in the claimed language, since in the end, only a plate exists in the claim having a cut mark somewhere.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703)308-3306. The examiner can normally be reached on M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703)308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
KARL D. EASTHOM  
PRIMARY EXAMINER